

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4670 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
  5. Whether it is to be circulated to the Civil Judge? : NO

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SURJAN SINGH RATHI

Versus

DIRECTOR OF TECHNICAL EDU. GUJ STATE  
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Appearance:

MR BS SUPEHIA for Petitioner  
MR PREMAL JOSHI for Respondent No. 1  
None present for Respondent No. 2  
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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 12/10/2000

ORAL JUDGEMENT

#. Having heard the learned counsel for the parties, perusing the order of this court dated 21st December, 1987 in special civil application No.2010 of 1987 filed by the petitioner, I am satisfied that the order passed

by the Tribunal is wholly perverse. Earlier this court held that in the matter regarding the age of superannuation of the petitioner, the Tribunal can take cognizance of the dispute under the Gujarat Affiliated Colleges Services Tribunal Act, 1982. The Tribunal, despite of the order of this court, has held under the impugned order that as the dispute relates to the date prior to its constitution, it has no jurisdiction to adjudicate and decide the matter. This order cannot be allowed to stand.

#. In view of the facts aforesaid and otherwise also, I have already taken view earlier that the Tribunal has jurisdiction in the matter also where cause of action has accrued to the applicant before the constitution of the Tribunal.

#. As a result of aforesaid discussion, this petition succeeds and the same is allowed and the order of the Gujarat Affiliated Colleges Service Tribunal at Ahmedabad dated 12.3.1990 is quashed and set aside and the Tribunal is directed to restore the Application of the petitioner to its original number and to decide the same within a period of one month next, as it is a matter of senior citizen. Rule is made absolute. The respondent-State of Gujarat is directed to pay Rs.1,000/- as costs of this petition to the petitioner.

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(sunil)